

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION,  
d/b/a ALTA VISTA REGIONAL H  
OSPITAL, on  
behalf of itself and all others similarly situated,

Plaintiff,

v.

Johnson & Johnson, *et al.*,

Defendants.

1:23-cv-00903-KWR-JFR

**ORDER ON STIPULATED MOTION TO SET BRIEFING SCHEDULE AND PAGE  
LIMITS FOR MOTIONS TO DISMISS PLAINTIFF'S COMPLAINT**

Plaintiff San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital ("Plaintiff"), by and through its undersigned counsel, and Defendants,<sup>1</sup> by and through their undersigned counsel, stipulated and agreed to certain deadlines and page limit extensions [**Doc. 60**].

**IT IS THEREFORE ORDERED AS FOLLOWS:**

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<sup>1</sup> The Defendants joining this stipulation are: Johnson & Johnson and Janssen Pharmaceuticals, Inc. (f/k/a Ortho-McNeil-Janssen Pharmaceuticals, Inc. f/k/a Janssen Pharmaceutica Inc.); specially appearing Noramco, LLC (improperly named Noramco, Inc.); specially appearing Grünenthal USA, Inc.; specially appearing Grünenthal Pharmaceuticals, Inc.; Allergan Finance, LLC; Allergan Sales, LLC; Allergan USA, Inc.; AbbVie Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Actavis Pharma, Inc.; Actavis LLC; Watson Laboratories, Inc; Anda, Inc.; AmerisourceBergen Drug Corporation; Xcenda L.L.C.; Cardinal Health, Inc.; H. D. Smith, LLC (f/k/a H. D. Smith Wholesale Drug Co.); McKesson Corporation; CVS Pharmacy, Inc.; Walmart Inc.; Wal-Mart Stores East, LP; WSE Management, LLC; WSE Investment, LLC; Wal-Mart Stores East, LLC; Sam's East, Inc.; Sam's West, Inc.; Walgreens Boots Alliance, Inc.; Walgreen Co.; and Walgreen Eastern Co., Inc.

All Defendants expressly reserve, and do not waive, any and all defenses pertaining to personal jurisdiction. Out of an abundance of caution and in order to preserve certain defenses, some named defendants have not joined this stipulation, but the parties agree that the briefing schedule set forth in this stipulation will apply to all defendants named in Plaintiff's Complaint.

WHEREAS, the parties have agreed there is good reason to extend the deadline for Defendants to answer, move, or otherwise respond to the Complaint; and

WHEREAS, the parties have agreed that it is in the interest of the parties and Court to set a single coordinated briefing schedule for all Defendants' motions to dismiss Plaintiff's Complaint; and

WHEREAS, as in other litigation related to prescription opioids in other federal courts, Defendants will endeavor to file consolidated motions and other papers where possible, including but not limited to briefing by "Industry Group" (i.e., Manufacturer Defendants,<sup>2</sup> Distributor Defendants,<sup>3</sup> and Pharmacy Defendants<sup>4</sup>);

NOW, THEREFORE, Plaintiff and Defendants hereby stipulate and agree as follows:

1. Each Industry Group shall file its motion to dismiss by January 19, 2024, limited to forty (40) pages per motion. Any of those pages may be allocated to a motion filed collectively by all Defendants.<sup>5</sup>

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<sup>2</sup> The Manufacturer Defendants are: Johnson & Johnson and Janssen Pharmaceuticals, Inc. (f/k/a Ortho-McNeil-Janssen Pharmaceuticals, Inc. f/k/a Janssen Pharmaceutica Inc.); specially appearing Noramco, LLC (improperly named Noramco, Inc.); Teva Pharmaceuticals USA Inc.; Cephalon, Inc.; Actavis Pharma, Inc.; Actavis LLC; Watson Laboratories, Inc.; Allergan Finance, LLC; Allergan Sales, LLC; Allergan USA, Inc.; and AbbVie Inc.

<sup>3</sup> The Distributor Defendants are: AmerisourceBergen Drug Corporation; Xcenda L.L.C.; Cardinal Health, Inc.; H. D. Smith, LLC (f/k/a H. D. Smith Wholesale Drug Co.); Anda, Inc.; and McKesson Corporation.

<sup>4</sup> The Pharmacy Defendants are: Walmart Inc.; Wal-Mart Stores East, LP; WSE Management, LLC; WSE Investment, LLC; Wal-Mart Stores East, LLC; Sam's East, Inc.; Sam's West, Inc.; CVS Health Corporation; CVS Pharmacy, Inc.; CVS Indiana, L.L.C.; CVS Rx Services, Inc.; CVS Orlando FL Distribution, L.L.C.; CVS TN Distribution, L.L.C.; CVS Health Solutions LLC; Walgreens Boots Alliance, Inc.; Walgreen Co.; and Walgreen Eastern Co., Inc.

The Complaint names CVS Holding, Inc. and CVS Wellness Discovery LLC, and defines those entities as part of "CVS." Undersigned counsel for CVS represents that this is not correct.

<sup>5</sup> For example, if Defendants file a collective motion of 15 pages, each Industry Group may file its own motion of no more than 35 pages.

2. Plaintiff shall file its oppositions to Defendants' motions by March 15, 2024, limited to forty (40) pages per opposition, not to exceed 120 pages in total.

3. Each Industry Group shall file its reply in support of its motion by April 19, 2024, limited to twenty (20) pages per reply. Any of those pages may be allocated to a reply filed collectively by all Defendants.

4. Any Defendant also may file a supplemental motion to dismiss related to arguments unique to that Defendant (e.g., jurisdictional defenses). Briefing related to such Defendant-specific motions will be subject to the above briefing schedule. Each motion and opposition shall be limited to ten (10) pages and each reply shall be limited to five (5) pages.<sup>6</sup>

5. All defenses and objections to the Court's jurisdiction and under Fed. R. Civ. P. 12 are expressly reserved.

IT IS SO ORDERED.



KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE

Approved by:

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<sup>6</sup> Defendants anticipate that the number of such Defendant-specific motions will be limited.

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